UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,430	07/02/2001	Alan Ramaley	PFMI117297	1913

29315   7590   06/17/2005

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 March 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 March 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/02/03, 2/14/05</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Detail Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

1.   Claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14,15, 16 are rejected under 35

U.S.C. 103(a) as being unpatentable over Lai et al (us pat 6407680) (hereinafter Lai)

and Mighdoll et al (us pat 5918013) (hereinafter Mighdoll).

As regarding claim 1, Lai teaches in a networked computing environment

comprising a server and a plurality of remote computing devices, a method for

managing the distribution of digital media (col5, line 65-67, col6, line 13), wherein the

method comprises: at the server, receiving a plurality of physical media files (col8, line

25-30); storing each of the plurality of physical media files in a memory device (col8, line

27-31); receiving a data set indicative of a delivery setting for the distribution of one

physical media file (col12, line 59-67); generating a location data set that communicates

the data attributes of the release database entity, wherein the location data set is

configured for enabling a client computer to receive one physical media file (col.13 line

11-16); and transmitting the location data set from the server to at least one remote

computing device of the plurality of remote computing devices(col13, line 18-23);

creating a media database entity, wherein the media database entity stores data

attributes that relate specific physical media files having a common input source and

creating a release database entity, wherein the release database entity stores data

attributes that relate the received data set to one physical media file and one media

database entity (col.11, lines 37-50, col.11-12).

Lai teaches the URL of the media file but does not expressly disclose a database

with location addresses of the media entity.

Mighdoll teach a database with location addresses of the media entity and

address redirecting (col.13, lines 1-9).

Therefore it would have been obvious to one having skill in the art having the

teachings of Lai and Mighdoll before him at the time of the invention to create the media

database entity and a release database entity. As Mighdoll mentions in his invention,

the basic purpose of the document database is that, after a document has once been

retrieved by the server the stored information can be used by the server to speed up

processing and downloading of that document in response to all future requests for that

document (col.5, lines 56-64).

As regarding claim 3, Lai discloses the location data set is in the format of a

uniform resource locator (col8, line 54-59).

As regarding claim 4, Lai discloses one of the plurality of physical media files is an audio file (col18, line 45-46).

As regarding claim 5, in the modify method, Lai discloses one of the plurality of physical media files is a video file (col18, line 45-46).

As regarding claim 6, in the modify method, Lai discloses receiving a master media file having a first bit-rate (col4, line 1-11); determining a number of media files that can be derived from the master media file (col4, line 12-15); generating at least one derivative file from the master media file, wherein the derivative file has a second bit-rate (col4, line 12-15); storing the derivative file in a media database (col11, line 65-67, col12, line 1-6); and distributing the derivative file to a media service computing system (col4, line 16-20).

As regarding claim 7, Lai teach in a networked computing environment comprising a managing server and a plurality of remote computing devices, a method for managing the distribution of digital media (col5, line 65-67, col6, line 13), wherein the method comprises: receiving from a first remote computing device a request for a transfer of a media file (col14, line 42-47); generating an instruction set indicative of a location address of the media file by the use of a database, wherein the database architecture comprises a plurality of media and release entities relating the request to the location address of the media file; and transmitting an instruction set to the first remote computing device, wherein the instruction set is configured to allow the remote computing device to receive the media file from a second remote computing device

associated with the location address of the media file (col.11, lines 37-50, col.13, lines 11-12).

Lai discloses the URL of the media file, Lai however does not expressly disclose the redirecting addresses.

Mighdoll teaches the redirecting of addresses (col.13, lines 1-9).

Therefore it would have been obvious to one having skill in the art at the time the invention was made to combine the teaching of Mighdoll with the method of Lai to have the instruction set is configured to allow the remote computing device to receive the media file from a second remote computing device associated with the location address of the media file. By allowing the remote computing device to receive the media from a second remote computing device associated with the location address of the media file may save the memory space of the server device, it only need to store the location address of the specific media instead of the whole media file and instruct the client to contact the remote server directly (col.13, line 45-58).

As regarding claim 8, in the modify method, Lai discloses the instruction set for the transfer of the media file instructs the second remote computing device to download the media file to the first remote computing device (col.4, line 28-31, col13, line 51-55).

As regarding claim 9, in the modify method, Lai disclose the instruction set for the transfer of the media file instructs the second remote computing device to stream the media file to the first remote computing device (col.4, lines 20-25, col13, line 47-55).

As regard to claim 10, Lai discloses receiving a master media file having a first bit-rate (col.4, lines 1-11); determining a number of media files that can be derived from

the master media file (col.4, lines 12-15); generating at least one derivative file from the

master media file, wherein the derivative file has a second bit-rate (col.4, lines 12-15);

storing the derivative file in a media database (col.11, lines 65-67, col.12, lines 1-6); and

distributing the derivative file to a media service computing system (col.4, line 16-20).

As regarding claim 11, Lai and Mighdoll disclose the invention as claimed,

detailed above with respect to claim 7; Lai and Mighdoll however do not particularly

disclose storing the instruction set on a computer readable medium. However one of

ordinary skill in the art would have recognized that computer readable medium (i.e.,

floppy disk, cd-rom, etc) carrying a program steps for implementing a method, because

it would facilitate the transporting and installing of the method on other systems, is

generally well known in the art. For example, a copy of the Microsoft Window operating

system can be found on a cd rom from which Windows can be installed onto other

system, which is a lot easier that running a long cable or hand typing the software onto

another system. Therefore, it would have been obvious to put Lai and Mighdoll's

instruction set on a computer readable medium, because it would facilitate the

transporting, installing and implementing of Lai et al and Mighdoll's instruction set on

other systems

As regarding claim 12, is rejected for the same rationale as claim 1 above.

As regarding claim 14, is rejected for the same rationale as claim 1 above.

As regarding claim 15, Lai and Mighdoll teach the invention as claimed, detailed above

with respect to claims 1, 3, 4, 5, 6, 12, 14; Lai and Mighdoll however do not particularly

teach a computer readable medium having computer executable instructions for

performing steps comprising: receiving a plurality of physical media files; storing each of

the plurality of physical media files in a memory device; creating a media database

entity, wherein the media database entity stores data attributes that relate specific

physical media files having a common input source; receiving a data set indicative of a

delivery setting for the distribution of one physical media file; creating a release

database entity, wherein the release database entity stores data attributes that relate

the received data set to one physical media file and one media database entity;

generating a location data set that communicates the data attributes of the release

database entity, wherein the location data set is configured for enabling a client

computer to receive one physical media file; and transmitting the location data set to at

least one remote computing device. However one of ordinary skill in the art would have

recognized that computer readable medium (i.e., floppy disk, cd-rom, etc) carrying a

program steps for implementing a method, because it would facilitate the transporting

and installing of the method on other systems, is generally well known in the art. For

example, a copy of the Microsoft Window operating system can be found on a cd rom

from which Windows can be installed onto other system, which is a lot easier that

running a long cable or hand typing the software onto another system. Therefore, it

would have been obvious to put Lai et al and Mighdoll et al 's computer executable

instruction on a computer readable medium, because it would facilitate the transporting, installing and implementing of their program on other systems.

As regarding claim 16, is rejected for the same rationale as claim 15 above.

2.   Claim 2, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Mighdoll as applied to claim 1 above, and further in view of Novak (WO 2002/19701).

As regarding claim 2, Lai et al and Mighdoll disclose the invention as claimed, detailed above with respect to claim 1; Lai et al and Mighdoll however do not particularly teach receiving a service data set indicative of a selection of at least one service provider associated with a remote computing device configured to provide a media service; determining a storage location for one physical media file of the plurality of physical media files, wherein the determination of the storage location is based on the service data set; transferring at least one physical media file to at least one remote computing device associated with the determined storage location; and recording a location data set indicative of a network address of the remote computing device associated with the determined storage location.

Novak teach receiving a service data set indicative of a selection of at least one service provider associated with a remote computing device configured to provide a media service (page15, paragraph 3); determining a storage location for one physical media file of the plurality of physical media files, wherein the determination of the storage

location is based on the service data set (page 13, 1st paragraph); transferring at least

one physical media file to at least one remote computing device associated with the

determined storage location (page 18, 1st paragraph); and recording a location data set

indicative of a network address of the remote computing device associated with the

determined storage location (page 27 4th paragraph to page 28, 1st paragraph).

Therefore it would have been obvious to one having skill in the art having the teachings

of Lai et al, Mighdoll and Novak before him at the time of the invention to store media

file at another location to have service data set indicative of a selection of at least one

service provider associated with a remote computing device configured to provide a

media service. Transferring at least one physical media file to at least one remote

computing device associated with the determined storage location. The individual can

control the content type, length, sequence, availability, etc (page 5, 3rd paragraph).

Moreover the uploaded media are linked to the determined storage location allows

these parties to recognize the availability of the media programs and where the media

can be accessed (page 23, last paragraph to first paragraph of page 24).

Therefore it would have been obvious to one having skill in the art at the time of the

invention was made to store the media file at another location through the setting of the

content provider and recorded the URL address of that media file in the database.

As regarding claim 13, is rejected as the same rationale as claim 2 above.

Response to Argument

Applicant's arguments filed 03/07/2005 have been fully considered but they are not persuasive.

Examiner would like to address Applicant's argument regarding "Non-analogous field of art". In response to applicant's argument that Lai and Mighdoll is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Lai's invention is suggesting transcoding of media (col.3, lines 35-51), Mighdoll's invention is also suggesting transcoding of media (col.11, lines 20-28 transcoding media file for streaming). Therefore, one ordinary skill in the art would reasonably combine Lai and Mighdoll.

As regarding Applicant's second argument "Mighdoll silent about the database entity that stores data attribute that relate a received data set to media database entity". Examiner disagrees, Mighdoll does not expressly teach the media database entity but he does teach the database storing data with URL addresses so the server can redirecting the request to another server to get the data (see Mighdoll col.13, lines 1-9). Lai discloses the media database entity (see Lai col.11, lines 37-50). Database of Lai maintain source information about such publish media, identity, type and when available. This database is similar to applicant media database entity.

As regarding Applicant's third argument "Lai does not teach the release database

entity which store data attribute relate to delivery setting to media file and its location.

Examiner Disagrees, Lai discloses that after transcoding the media, the server store

requested media. The transcoded media includes the publishing variables as shown in

Fig.6, file format, bit rate, physical medium, and communication protocol... This

database constitutes the media database entity (identity, format of file) and physical

media file. The location and identity of the files are store in the database (see Lai

col.13, lines 11-12, lines 37-45). Lai discloses the URL of the media file "The location

and identity of achieved file is reported by content provider to task manager". Therefore

the creation of release database entity is possible. The teaching of Mighdoll is added to

emphasize a database store redirect address of the data. Therefore the combination of

Lai and Mighdoll discloses all limitations of claim 1.

As regarding Applicant's argument of claim 7, "one of skill in the art would not

have motivation to combine Lai and Mighdoll." Examiner disagrees, In response to

applicant's argument that there is no suggestion to combine the references, the

examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is

some teaching, suggestion, or motivation to do so found either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, because both Lai's invention

is suggesting transcoding of media (col.3, lines 35-51), Mighdoll's invention is also

suggesting transcoding of media (col.11, lines 20-28 transcoding media file for streaming). Therefore, one ordinary skill in the art would reasonably combine Lai and Mighdoll. Applicant also added "Mighdoll is related to a single URL address, this does not teaches or suggest a plurality of media and release entities. Examiner disagrees, Mighdoll stores the URL of the data in the database, and the location of the data is store at the server so the client can access the data from this server or from the redirect address. Lai discloses the identities of the data (see office action above). Therefore the combination of Lai and Mighdoll suggested all the limitations of claim 7. Even the combination of Lai and Mighdoll store only a single file, but by storing more than one file in the database is well know in the art. If the combination of Lai and Mighdoll can store a single file it can also store more than one file.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

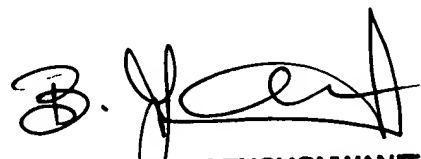than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571 272 -3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
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DD

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PRIMARY EXAMINER